

**Project Specific Agreement  
between the  
Northern Cheyenne Tribe  
and the  
Montana Department of Transportation**

Project: Miles City Maintenance Division - Epoxy Pavement Markings

Name: 2010 – Durable Pavement Marking Program

Control No. N/A

Letting: SUMMER/FALL 2010

This Project Specific Agreement (PSA) is entered into as specified in the Memorandum of Understanding (MOU) of August 2007, between the Northern Cheyenne Tribe (Tribe) and the Montana Department of Transportation (MDT).

The purpose of the PSA is to describe the cooperative efforts the parties will perform and have agreed to in conjunction with the project specified above. Nothing contained in the PSA shall be inconsistent or in conflict with the MOU. If anything herein is inconsistent, the MOU shall control. In accordance with the MOU, the Tribe will assess the contractor a Tribal TERO fee of 3% of the contract amount(s) for that portion of the project wholly within the reservation boundaries, in this instance equaling 10.27% of the total project. MDT will collect this fee for the Tribe by withholding 10.27% of 3% of the contract amount from each progress, semi-final and final payment to the contractor and paying that amount to the Tribe. In the event the project is not awarded as scheduled, this PSA will remain in full effect until such time as the project is awarded unless changes occur to the projects scope of work that would impact this PSA. Should that occur, this PSA is null and void and a new PSA will be drafted.

**1. Specified Issues**

**A. Project Description:**

To improve public safety, this project is the application of epoxy pavement markings to improve reflectivity on existing pavement markings.

- B. A Prebid Conference will not be required for this project. A separate preconstruction conference for that portion of the project on the Northern Cheyenne Reservation will be held before work on the project begins. This conference will be held in Lame Deer and the Tribe will be invited to attend and participate in the preconstruction conference. For purposes of this PSA, the entire project length is 196.7-miles, of which 20.2-miles is located within the Reservation boundaries, which amounts to 10.27% of the total project

length. At the preconstruction conference the contractor will be required to meet with the Northern Cheyenne TERO to discuss cultural awareness issues and other issues related to working within the boundaries of the Reservation. The conference will include the following contractor representatives: management, project superintendent/foremen and other key personnel. Principal MDT project personnel will also attend.

- C. The Contractor will assist and cooperate with the Tribes and MDT in fulfilling and enforcing the Montana State Weed Law (MCA 7-22). The objectives are to prevent, control and restrict the spread of noxious weeds during construction of this project. To accomplish these objectives, the contractor will adopt the following practices:
- (1) Seed right-of-way or portions thereof devoid of competing vegetation as soon as practical pursuant to the seeding provisions of the Project's design and specifications. All seed used for this purpose must be certified noxious weed seed free, and records of sources, lots, or batches, and evidence of certification may be provided to the Weed Board on request.
  - (2) All fill, borrow or gravel sources must be noxious weed free.
  - (3) Obtain organic materials used for surface mulch, erosion control, water barriers, or frost and weather protection of green concrete from noxious weed free sources.
  - (4) Clean equipment and trucks before moving from noxious weed infested areas to areas free of noxious weeds.
- D. For the purposes of this project, MDT recognizes that Northern Cheyenne Reservation has a Class 1 Air Standard quality requirement. MDT will require the contractor to use Best Available Control Technology (BACT) during the project construction, such as watering trucks to water down and/or apply chemical dust suppressants to construction areas and areas that attract carry-on dust and dirt, and will direct the contractor to make every effort to comply with the following:

The contractor will suppress dust at all times with water and/or chemical dust suppressants and will sweep or vacuum paved roads adjacent to the construction site to minimize dust that may be suspended into the air from construction equipment and motor vehicles entering and leaving paved areas.

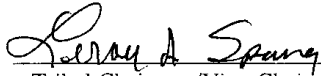
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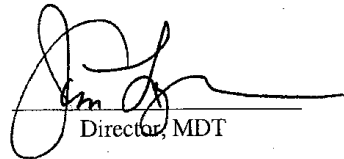
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## 2. Training

As actual construction time for this project is short in duration, it is agreed that there will be no formal training program developed.

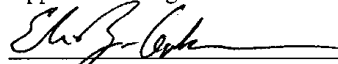
  
Tribal Chairman/Vice-Chairman

Date: 2-17, 2010

  
Director, MDT

Date: 3-11, 2010

Approved for legal content:

  
Legal Division, MDT